HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

W.P.Nos.8145 and 16374 of 2005

Dated 10th August, 2005

W.P.No.8145 of 2005:

Between:

Ms.G.Preethi Reddy, aged 19 years
and daughter of G.Ananth Reddy,
R/o.2-2-1136/11, New Nallakunta,
Hyderabad – 44. .. Petitioner

And

The Principal,
M/s.Bhoj Reddy Engineering
College for Women, Vinaynagar,
Saidabad, Hyderabad-59 and another .. Respondents

W.P.No.16374 of 2005:

Between:

Ms.G.Preethi Reddy, aged 19 years

and daughter of G.Ananth Reddy,

R/o.2-2-1136/11,

New Nallakunta,Hyderabad – 44 .. Petitioner

And

M/s.Bhoj Reddy Engineering

College for Women, Vinaynagar,

Saidabad, Hyderabad – 59, rep.

by its Principal and another .. Respondents

HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

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W.P.Nos.8145 and 16374 of 2005

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COMMON ORDER:

These two writ petitions are filed by G.Preethi Reddy, a student of B.Tech. Course. W.P.No.8145 of 2005 is filed with a prayer to issue an order or direction more particularly one in the nature of mandamus declaring the action of the respondents in not permitting her to appear for the examination on 18.4.2005 as illegal, arbitrary and violative of

principles of natural justice and Articles 14 and 21 of the Constitution of India. W.P.No.16374 of 2005 is filed by her with a prayer to issue an order or direction, more particularly one in the nature of mandamus declaring the action of the respondents in not releasing the results of the second semester of second year examination written by her and in not permitting her to attend the classes for the I semester of III year B.Tech. Court as illegal, arbitrary and violative of principles of natural justice and Articles 14, 19 and 21 of the Constitution of India.

The case of the petitioner is that while she was pursuing second semester in II year course of B. Tech., she fell ill and thereby, could not attend classes for certain period. The total number of classes attended by her is 52 days. Because of shortage of attendance, she was not permitted to attend the classes for the first semester of III year B.Tech. Course.

It is pleaded in the affidavit that the college did not conduct 90 working days as per the Regulation 11 of B.Tech. (Regular) Four Year Degree Course (Revised) Academic Regulations (for brevity “Academic Regulations”) and therefore, 9 days which are falling short of total number of 90 working days is to be counted to the attendance of the petitioner in which case, her total percentage would be beyond 65 and thus, she would be entitled to appear for Second Semester of II year B.Teck Course.

The 1st respondent filed counter affidavit which was sworn to by one Prof. B.C.Jinaga. He stated that the petitioner attended the classes from 1.2.2005 though the semester had commenced from 13.12.2004. The percentage of attendance of the petitioner is only 57.5% which is less than the minimum required criteria of 75%. I deem it appropriate to refer Para 3 of the counter affidavit which reads thus:

> *“I submit that even though classes for the II year II semester have commenced from 13.12.2004, petitioner started attending the classes only from 1.2.2005 hence the contention of the petitioner is that she could not attend the classes due to her*

severe ill-health and further contention that as college has not worked for 90 days and conducted required periods of instructions is untenable. Petitioner attended only 180 classes out of 313 classes conducted by us, which works out to only 57.5% which is less than the minimum required criteria of 75% and even if the 10% attendance is condoned by the University (up to 65%) as per Academic Regulation 6 (ii), there is shortfall of attendance. Once student fell shortfall of the attendance below 65% for whatever reason i.e. ill-health, etc., the 2nd respondent-University has no authority and power to condone shortfall of the attendance below 65%. The latest Division Bench judgment of this Hon'ble Court reiterated the above said legal position reported in 2005(1) ALD 253."

The 2nd respondent also filed counter affidavit, the contentions therein are almost on similar lines with that of the 1st respondent.

Heard the learned counsel for the petitioner, the learned counsel for the 1st respondent and the learned standing counsel for the 2nd respondent-University.

The learned counsel for the petitioner submits that as per the Regulation 11 of the Academic Regulations, the college has to conduct 90 working days in a semester and since the 1st respondent-college conducted only 81 days, 9 working days falling short should be added to the attendance of the petitioner in which case, the petitioner would secure the required percentage of attendance. I am unable to accede to the contention since the percentage of attendance is to be worked on the basis of actual number of working days of the College. If the college has not conducted minimum number of working days, it is for the University to take necessary action against the college authorities. The issue whether the College concerned or the University concerned is empowered to condone the attendance below 65% is no more a *res integra* since it has been settled by number of decisions rendered by this Court. Nobody has power to condone the attendance below 65% vide the decision of the Division Bench of this Court in ***M.SUNIL CHAKRAVARTHY AND***

OTHERS v. PRINCIPAL, SREEKALAHASTEESWARA INSTITUTE OF TECHNOLOGY, SREEKALAHASTHI AND ANOTEHR. Admittedly, the petitioner is falling short of the required attendance. Her attendance is below 65% and therefore, the respondents are justified in not allowing her to attend the classes for the first semester of III year B.Tech. Course.

In the result, both the petitions are dismissed. No costs.

10.08.2005

bcj